

ESTTA Tracking number: **ESTTA298121**

Filing date: **07/29/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91173105
Party	Defendant Michael Dalton
Correspondence Address	Michael Dalton P.O. Box 18137 670 Northland Blvd. Cincinnati, OH 45218-0137 UNITED STATES DALTONME@hotmail.com
Submission	Defendant's Notice of Reliance
Filer's Name	Michael Dalton
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Signature	/ Michael Dalton /
Date	07/29/2009
Attachments	RelianceNielsenII.pdf ( 2 pages )(288407 bytes ) RelianceNielsenIIa.pdf ( 4 pages )(1338630 bytes )

TAB II

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Honda Motor Co. LTD

Opposer

vs.

Opposition No. 91173105

Michael Dalton

Applicant

**Notice of Reliance**

Now comes, Michael Dalton, Defendant – Applicant, pursuant to Trademark Rule 37 CFR 2.122(e) and gives his notice of reliance on the screen-shot copies of the Nielsen Company. The documents are exact copies of the Nielsen Company archived on the website server: <http://nielsenmedia.com> and in general circulation among members of the public or that segment of the public that is relevant under an issue in this proceeding. The documents are relevant because it demonstrates that Nielsen's representative sample size of 25,000 opt-in participants are a reliable indicator of the public at large and rebuts the Opposer's position, during Dalton's discovery deposition, that ranking.com's sample size of 250,000, or opt-in methodology invalidates the ranking of DealerDashboard.com by ranking.com

Respectfully submitted,



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Nielsen Media Research



Company & People

Products & Services

► Inside TV Ratings



## Recruiting Nielsen Families

Nielsen Media Research strives to recruit and gain the cooperation of the initially selected sample households (also known as “basic” households) to ensure accuracy in our samples. If, despite our best efforts, a “basic” declines to participate, an alternate household is recruited. Certain key characteristics of alternate households must match those of the refusing “basic” in order for it to be considered. This process ensures proper statistical representation.

At the core of our recruitment philosophy is the concept of membership, an active and ongoing commitment by the respondent to provide us with accurate data. Our field staffers, the front line of recruitment, are charged with establishing a rapport with sample households. It is their job to convey the importance of participation and that every voice and viewing choice counts. Why? Because individual homes represent others who watch TV in the same way.

Our field team is comprised of membership representatives — individuals with backgrounds in education, social work and other social sciences — as well as field representatives, whose technical expertise is essential to the meter installation process. A vital role of the field team is to establish ongoing relationships with sample households.

### Initial Contact

Designated households are mailed an introductory letter, which includes a questionnaire with a request to provide Nielsen Media Research with basic demographic information.

Some of these households will be selected to be part of the Nielsen sample. These families receive a follow-up letter from one of our membership representatives, inviting them to participate and notifying them of an upcoming visit.

### In-person visit

When the membership representative visits the sample home, the purpose is to:

- Define who Nielsen Media Research is and what we do

Inside  
TV Ratings

Sampling &  
Recruiting  
Sampling the  
Population  
Recruiting  
Nielsen Families  
Meters & Diaries  
Ratings & Data  
Anytime  
Anywhere Media  
Measurement

Behind the Scenes

[Meet Donna: Call  
Center Research  
Interviewer »](#)

Behind the Scenes

[Meet Marilyn:  
Membership  
Recruiter Trainer »](#)

EXHIBIT

51

- Educate the household on what it would be like to be part of the sample
- Answer any questions and address concerns
- Evoke enthusiasm and emphasize the value of participation
- Ensure that the household understands the technical process
- Schedule an appointment for meter installation

Once the household agrees to participate, we set up an appointment to install the metering equipment.

 [Return to Previous Page»](#)

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[Stats & Calculations](#) | [Acronyms & Glossary](#) | [FAQs](#) | [Site Map](#) | [Video](#)

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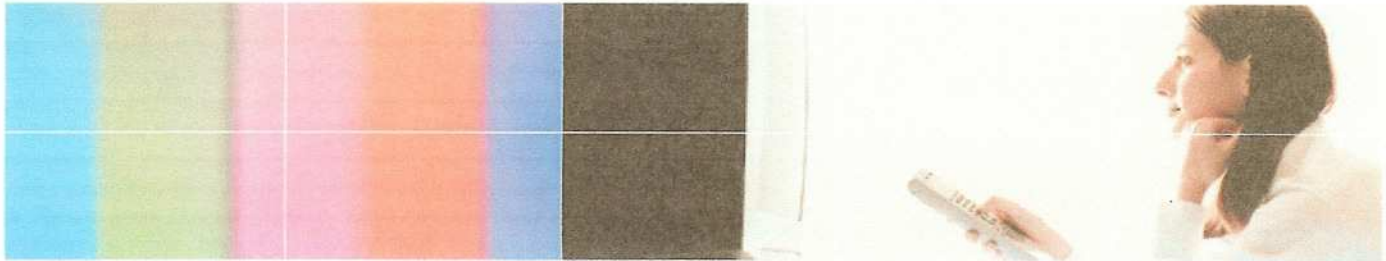


## Nielsen Media Research

### Company & People

### Products & Services

### ► Inside TV Ratings



## Collecting & Processing the Data

We collect viewing information for both national and local programs — not only what's being viewed (tuning data), but also the composition of the audience (demographic data).

Daily household minute-by-minute viewing and tuning data, from both the national and local metered samples, is stored in the in-home metering system until it is automatically retrieved by our computers each night. Once the data is relayed via phone lines to our operations center in Oldsmar, Florida, it is processed that same night for release to the television industry the next day.

### Inside TV Ratings

#### [Sampling & Recruiting](#)

#### [Meters & Diaries](#)

#### [Ratings & Data](#)

#### [Collecting & Processing the Data](#)

#### [Producing & Delivering the Ratings](#)

#### [Top TV Ratings](#)

#### [Anytime Anywhere Media Measurement](#)

Television networks, stations, and third-party data providers give us information on program lineups, telling us what aired on each channel. This essential reference data helps us turn the raw tuning and viewing data into meaningful numbers for reporting.

To comprehend the dimension of our task, let's look at the numbers. We collect information from approximately 25,000 metered households starting at about 3 a.m. each day, process approximately 10 million viewing minutes a day, and make more than 4,000 gigabytes of data available for customer access the next day. In addition, we collect and process data from 1.6 million handwritten paper diaries from households across the country during sweep periods.

When the meter data is transmitted from the home to Nielsen, it is in raw code form. We then run a series of tests to ensure the integrity of this data.

If a problem is discovered, the system will flag the data from that household, analyze the problem, and determine the best course of action for correcting it. The solution may be as simple as calling the household to gather some information. In other instances, we may schedule a Nielsen field representative to visit the household and either repair or replace metering equipment, or re-coach the family members on usage of our equipment.

Once the data has been validated, our systems combine the transmitted

### Behind the Scenes

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and internal reference data to convert it to ratings information.

 [Return to Previous Page »](#)

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